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CERTIFICATE OF EXPRESS MAILING

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Kristen Ursin-Smith

Kristen Ursin-Smith

PATENT

Attorney Docket No. 39878-0009

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | | |
|---|---|---------------------------|
| In re Application |) | <u>PATENT APPLICATION</u> |
| |) | |
| Inventor(s): Isaac Shpantzer, <i>et al.</i> |) | |
| |) | Art Unit: 2633 |
| Application No.: 10/087,022 |) | |
| |) | Examiner: Not Assigned |
| Filed: February 28, 2002 |) | |
| |) | |
| Title <i>System and Method for Orthogonal</i> |) | |
| <i>Frequency Division Multiplexed Optical</i> |) | |
| <i>Communication</i> |) | |

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. §1.97

Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Listed on an attached Form PTO-1449 is information known to applicant(s). A copy is provided of each foreign patent, each application other than U.S. patents and U.S. patent application publications, and each cited pending unpublished U.S. application, pursuant to 37 C.F.R. § §1.97 – 1.98.

Applicant respectfully request that the listed information be considered by the Examiner and be made of record in the above-identified application. The Examiner is requested to initial and return it in accordance with MPEP §609.

This statement is not intended to represent that a search has been made or that the information cited in the statement is, or is considered to be, material to patentability as defined in §1.56.



This statement qualifies under 37 C.F.R. §1.97, subsection (b) because (check all that apply):



(1) It is being filed within 3 months of the application filing date and is other than a continued prosecution application under § 1.53(d)

-- OR --



(2) It is being filed within 3 months of entry of a national stage

-- OR --



(3) It is being filed before the mail date of the first Office Action on the merits

-- OR --



(4) It is being filed before the mailing of a first Office Action after the filing of a request for continued examination under § 1.114.



37 C.F.R. §1.97(c). If this statement is being filed after the latest of: (1) three months beyond the filing date of a national application; (2) three months beyond the date of entry of the national stage as set forth in §1.491 in an international application; or (3) the mailing date of a first Office action on the merits, but before the mailing date of the earlier of a final office action under §1.113 or a notice of allowance under §1.311, then:



a certification as specified in §1.97(e) is provided below; or



a fee of \$180.00 as set forth in §1.17(p) is authorized below, enclosed, or included with the payment of other papers filed together with this statement.



37 C.F.R. §1.97(d). If this statement is being filed after the mailing date of the earlier of a final office action under §1.113 or a notice of allowance under §1.311, but before payment of the issue fee, then:

A. a certification as specified in §1.97(e) is completed below; and

B. a petition under 37 C.F.R. §1.97(d) requesting consideration of this statement is submitted herewith; and

C. a fee of \$130.00 as set forth in §1.17(i)(1) is authorized below, enclosed, or included with the payment of other papers filed together with this statement.



Fee Authorization. The Commissioner is hereby authorized to charge the above-referenced fees of \$ 0.00 and charge any additional fees or credit any overpayment associated with this communication to Deposit Account No. 08-1641 (Docket No. 39878-0009).

Respectfully submitted,

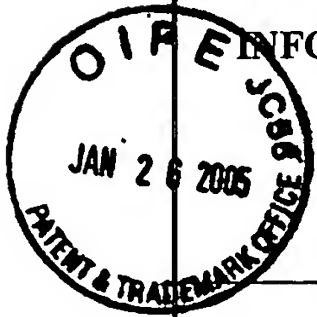
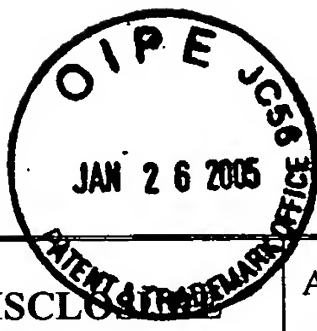
HELLER EHRMAN WHITE & MCAULIFFE LLP

Dated: 1/26/05

By: Paul Davis

Paul Davis, Reg. No. 29,294

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| INFORMATION DISCLOSURE STATEMENT | | ATTY. DOCKET NO. | | SERIAL NO. | | | |
|--|--|--|------------------|-----------------|----------|--------------------------|--------------------------|
| PTO-1449 | | 39878-0009 US | | 10/087,022 | | | |
| | | APPLICANT Isaac Shpantzer, <i>et al.</i> | | | | | |
| | | FILING DATE 02/28/2002 | | GROUP: 2633 | | | |
| U.S. PATENT DOCUMENTS | | | | | | | |
| EXAMINER'S INITIALS | PATENT NO. | DATE | NAME | CLASS | SUBCLASS | FILING DATE | |
| | 4,096,448 | 06/20/1978 | Hays, Cecil L. | | | | |
| | 5,347,525 | 09/13/94 | Fans, Gregory W. | | | | |
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| FOREIGN PATENT DOCUMENTS | | | | | | | |
| EXAMINER'S INITIALS | PATENT NO. | DATE | COUNTRY | CLASS | SUBCLASS | TRANSLATION | |
| | | | | | | YES | NO |
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| OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.) | | | | | | | |
| | Dutton, Harry J.R., "Wavelength Division Multiplexing," <i>Understanding Optical Communications</i> , Pgs. 513 - 568, (1998) | | | | | | |
| | Kazovsky, Leonid G., <i>et al.</i> , "All-fiber 90 Optical Hybrid for Coherent Communications," <i>Applied Optics</i> , 26:3, 437 - 439, (February 1987) | | | | | | |
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| EXAMINER | | | | DATE CONSIDERED | | | |

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.